

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

June 14, 2006

The meeting was called to order at 8:00 PM by the Vice Chairman, Dr. Goist.

Present: Dr. Goist
Mr. Harr
Mrs. Lane
Mr. Baldin

Also Present: Mr. Kolick, Asst. Law Director
Mrs. Zamrzla, Recording Secretary
Mr. De Hoff, Assistant Building Commissioner

Dr. Goist - I would like to call the June 14, 2006 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy if you would please do a roll call.

ROLL CALL: ALL PRESENT EXCEPT FOR MR. EVANS

Mr. Baldin – I'd like to make a motion to excuse Mr. Evans for just cause.

Mr. Harr – Second.

Dr. Goist – We have a motion and a second to excuse. Please call the roll.

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist - This evening we have an amended agenda. I would entertain a motion to approve the amended agenda.

Mr. Harr – So moved.

Mr. Baldin - Second.

Dr. Goist - We have a motion and a second to approve the amended agenda for June 14, 2006. May we please have a roll call?

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist - I hereby certify that this meeting has been posted in accordance with the ordinances of the City of Strongsville. We do have before us this evening the minutes for the May 24, 2006 meeting of the Board of Building and Zoning Appeals. Are there any corrections or additions to the minutes?

Mr. Baldin - I move that we approve the minutes as submitted.

Mr. Harr - Second.

Dr. Goist – We have a motion and a second. Kathy, would you call the roll please.

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – Okay. I want to make a note right now for the record that our next meeting will be moved to July 12, 2006 because we do not have enough people for attendance on June 28, 2006. We want to make that permanent record. Good evening, ladies and gentlemen. Our meetings are divided into two portions. The first portion of our meeting is new applications at which time we have those individuals that are presenting for the first time their request for a variance. The second part is public hearing and the applicant will restate his reason for asking for the variance. We are ready and at this time, we are going to ask the Assistant Law Director to swear in anyone who is here to speak before this meeting tonight. If you plan to speak, if you will all stand and be sworn in by the Assistant Law Director.

Mr. Kolick then stated the oath to all standing.

Dr. Goist – Okay. Our first new application is William Knight, Owner and he is being represented by Bob Round. Would you like to come forward and state your name and address. If you'll use that hand held microphone and on the bottom there is that little switch. Is it on Kathy?

Mrs. Zamrzla – No.

Dr. Goist – Right at the bottom.

WILLIAM KNIGHT JR, OWNER/American Patio Room, Representative

Requesting a 12' 6" Rear Yard Setback variance from Zoning Code Section 1252.06 which requires a 15' Rear Yard Setback and where a 2' 6" Rear Yard Setback is proposed; in order to enclose a patio; property located at 18063 Woodside Crossing North PPN 394-26-102 Zoned Planned Development.

Mr. Round – I think it's on now. Right?

Mrs. Zamrzla – Very good.

Mr. Round – Okay. Mr. Knight is here with me. He has been sworn in also. He recently purchased a condo in an area over there, which you are all familiar of. He would like to put up a...

WILLIAM KNIGHT JR, OWNER/American Patio Room, Representative, Cont'd

Dr. Goist – One minute Mr. Round. Would you give us your name and address first.

Mr. Round – Do you want my business address or my home?

Dr. Goist – Your business is fine.

Mr. Round – Okay. My name is Bob Round. I'm the owner of American Patio Rooms in Akron, Ohio. We're located at 1690 East Waterly Road. Would you like the phone number?

Dr. Goist – No.

Mr. Round – Okay. As I was saying before, Mr. Knight would like to get an enclosure on the back of his home, which faces west. We did one for Mr. Brewer, about three houses down from his house, four or five years ago, which we got a building permit from the city. His reasoning for liking to have this is because of the – there's a lot of glare of the west sun there. A lot of heat coming into his patio door and window, which, ultimately, makes it uncomfortable in there. He has to run the air-conditioning if you don't keep the blinds closed. He has some fading of carpet and furniture and so forth. It will also enable him to keep the sliding glass door open with the screen in place and the wind will not be able to blow the rain water through the screen inside into the living room He'll be able to set some furniture out into there and keep it relatively dry from the rain and so forth and keep the snow away from the back of his house. He is interested in enclosing it. Maybe not completed this year but maybe before the end of the year. At least by next year. At this time, we're going to put a roof up and support it by footer piers as the drawing that you folks have in front of you. At some point in time, he would like to enclose it so he can leave all of his furniture and carpet out there all year round and not have the cold air blow up against his house while thus reducing his fuel bill saving him some money on that. The other reasons are typical from the bees, bugs, flies, mosquitoes and so forth. As we all know in this part of the country, we have problems with West Nile Virus and when you're elderly and get bit by a mosquito like that it could be a serious situation. He is recently somewhat retired and sold his other house and moved over here for a retirement home. Basically, those are the reasons why he would like to have this project approved by you people. If there are any questions, I would be happy to answer them for you.

Dr. Goist – Thank you, Mr. Round. Any questions from the board?

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes.

WILLIAM KNIGHT JR, OWNER/American Patio Room, Representative, Cont'd

Mr. Harr – Just to reiterate and confirm, just for the record, some of the items that we discussed in caucus. The area behind the home is a dry retention basin presently. Is that correct? It's an open space retention basin?

Mr. Knight speaking from the audience – Yes.

Mr. Harr – Okay. Just open space? There's no homes directly behind your home?

Mr. Knight speaking from the audience – No.

Mr. Harr – Okay. The association has reviewed the plan for what you intend to do here and have provided their stamp of approval on the letter that we have so that's correct. The roofline itself is not going to extend – the roofline of the patio is not going to extend all the way to the northern edge of your property, which is the common law area? There will be a space between the two there?

Mr. Round – That is correct. It's going to be shingled to match the house roof.

Mr. Harr – I have no other questions. Thank you.

Mrs. Lane – You said it's going to be shingled and what?

Mr. Round – It's going to be shingled to match the shingles on the house roof so it looks like it was built when the house was built.

Dr. Goist - Mr. Baldin?

Mr. Baldin – Yes. I do have a question for Mr. De Hoff. Mr. De Hoff, they're claiming an aluminum permanent roof. Is that going to be allowed? They're calling it a permanent aluminum roof even though he says it's going to match the building. It's going to be attached to the house? Is that allowed by our code?

Mr. De Hoff – Yes, aluminum is an approved building material. I don't know how they'll affix the shingles to an aluminum roof. I don't know. That might be their...

Mr. Round – Do you want me to answer that?

Mr. Baldin – Yes, go ahead.

Mrs. Lane – Yes, please.

WILLIAM KNIGHT JR, OWNER/American Patio Room, Representative, Cont'd

Mr. Round – First of all, it's a three inch thick, insulated roof. It's got a skin of aluminum facing the sky and when you're sitting underneath it, you look up at the ceiling and see the same thing. It has three inches of extruded polystyrene insulation made by Dow Chemical. Then we put the shingles on the top of the roof. We have a few tacks but it's mainly liquid nail bond. I have probably done two or three thousand of them like that in all types of different neighborhoods all over Northeastern Ohio.

Mr. Baldin – It attaches right to the roof?

Mr. Round – Yes, sir.

Mrs. Lane – So then eventually, within the framework, you'll be able to add doors, aluminum doors and track?

Mr. Round – That's correct. That's correct.

Mrs. Lane – Thank you.

Mr. Baldin – Thank you.

Dr. Goist – Any other questions from the board? If not, your public hearing will be July 12, 2006.

Mr. Round – We thank you very much and hope you give us strong consideration because I know Mr. Knight would really like to have this. Is it okay if we leave now?

Dr. Goist – You're all done. Thank you. That concludes our new applications and the second portion of our meeting is the public hearing. The public hearing is Santos Carryout, Tenant. Scott Gillespie, representative.

SANTOS CARRY OUT, TENANT/Scott Gillespie, Representative

- a) **Requesting a variance from Zoning Code Section 1258.02 (A) (3) (a) (5) which permits an attached carry-out restaurant and the applicant is proposing a separate free-standing carry-out restaurant and;**
- b) **Requesting an 8' Front Parking Setback variance from Zoning Code Section 1258.11 which requires a 20' Front Parking Setback and where a 12' Front Parking Setback is proposed in order to operate a food carry out business and;**
- c) **Requesting a 5' Parking Setback variance from Zoning Code Section 1258.11 which requires a 10' Parking Setback abutting a Residential District, westerly border and where a 5' Parking Setback is proposed in order to operate a food carry out business and;**
- d) **Requesting a 7' Parking Setback variance from Zoning Code Section 1258.11 which requires a 10' Parking Setback abutting a Residential District, northerly border and where a 3' Parking Setback is proposed; property located at 10252 West 130 Street PPN 398-12-019 Zoned Local Business.**

Mr. Gillespie - Mr. Chairman. Members of the commission. My name is Scott Gillespie. My address is 4555 Summit Circle, Brecksville, Ohio and, as you know, here tonight requesting a variance for some parking setbacks and related matters to a proposed carryout restaurant that we would like to do at a freestanding building on the corner of Albion Road and West 130 Street. To that request, you have plans that you've seen and this is the, basically, the minimum setbacks that were variance setback that we could request so in order to accommodate the required widths of driveways, parking stall setbacks; that sort of thing. We've tried to maximize the space and minimize the variance request and we own the adjacent properties to the north and to the west and if you've seen it out there you know that we've installed a six foot tall red cedar fence and tried to accommodate that transition from our residential project to this commercial project. My partner, Mike Santosuosso here is going to be operating the restaurant with us and we feel it's a very appropriate use and it will be a good use for the neighborhood and an improvement, obviously, from what it's been for many, many years. We would respectfully request your approval of this variance request here this evening.

Dr. Goist – I only have one question Scott, and we talked about this last time, but there's that gas meter to the north of the building. Is that going to be relocated?

SANTOS CARRY OUT, TENANT/Scott Gillespie, Representative, Cont'd

Mr. Gillespie – Yes. Yes, it will. I spoke with Columbia Gas. We're going to have to run - because we have a BTU usage we'll probably have to run a new service line from the existing mainline out at the street. So, there will be a new meter and that would be relocated, probably, to the rear of the building along with the other utility connections.

Dr. Goist – Very good. Thank you. Members of the board, questions?

Mr. Baldin – We had discussed a little bit, Scott, about the two driveways, which you show here. So, you're definitely still going with that?

Mr. Gillespie – Yes, sir.

Mr. Baldin – The in and out is going to be fine? You don't have any problem coming and going?

Mr. Gillespie – I think it would be far safer that just having the one entry out onto...

Mr. Baldin – You are going to plant shrubs around it and so forth? Keep it looking nice and neat? We know you've got the fence on the north end and the west. So, you're going to put some shrubs on the south and the east side?

Mr. Gillespie – Absolutely. We have a major investment in our residential development to the south, which we're going to be marketing for the next couple of years. Now that's – and if you know how I have done my entries and all my other things, that's a big part of what we do.

Mrs. Lane – Does that mean you're probably going to put a few shrubs around the dumpster from the pathway?

Mr. Gillespie – Yes. The back – that is going to be seeded, whatever we need to do so that when my people come up that gate and walk into that, they don't feel like they're walking into a dumpster. It's got to have that attractive character to it. Yes, that's pennies on the dollar compared to what you end up with in terms of...

Mr. Baldin – You just didn't show any of that there. I assumed you were probably going to do that.

Mr. Gillespie - Yes, you'll be very impressed. If you're not, call me.

Mr. Baldin – I have no further questions.

SANTOS CARRY OUT, TENANT/Scott Gillespie, Representative, Cont'd

Dr. Goist – Any other questions from the board? They we will take a motion. Oh, I'm sorry. This is a public hearing. Is there anyone here this evening to speak for the variance? Is there anyone here this evening who would like to speak against the variance? Hearing none, I would entertain a motion.

Mr. Baldin – I make a motion for a variance from Zoning Code Section 1258.02 (A) (3) (a) (5) which permits an attached carry-out restaurant and the applicant is proposing a separate free-standing carry-out restaurant and requesting an 8' Front Parking Setback variance from Zoning Code Section 1258.11 which requires a 20' Front Parking Setback and where a 12' Front Parking Setback is proposed in order to operate a food carry out business and requesting a 5' Parking Setback variance from Zoning Code Section 1258.11 which requires a 10' Parking Setback abutting a Residential District, westerly border and where a 5' Parking Setback is proposed in order to operate a food carry out business and requesting a 7' Parking Setback variance from Zoning Code Section 1258.11 which requires a 10' Parking Setback abutting a Residential District, northerly border and where a 3' Parking Setback is proposed; property located at 10252 West 130 Street PPN 398-12-019 Zoned Local Business be approved.

Mrs. Lane – Second the motion.

Dr. Goist – We have a motion and a second. Before we vote on it, I just happened to notice in the audience that there are two people in the back who have come in. Do you have any reason that you are here for this variance at all?

Audience participant – At this time that is our property.

Dr. Goist – Yes? Then you don't need to speak?

Mr. Kolick – They're the owners of the property.

Mrs. Lane – Oh okay. We're just wanting to make sure.

Dr. Goist – All right. We have a motion and a second to approve. Will you call the roll please, Kathy?

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – Motion approved. You have a twenty-day waiting period Scott, as you know.

Mr. Kolick - Mr. Chairman? Mr. Gillespie, if you make sure you contact Carol because you need to get placed on Planning Commission agenda now.

SANTOS CARRY OUT, TENANT/Scott Gillespie, Representative, Cont'd

Mr. Gillespie – Yes. I need to proceed with finalizing my plans and get with Carol and get back to Planning Commission.

Mr. Kolick – Before then, you need that conditional use permit. They have to set that for public hearing at Planning Commission. They can get you on the agenda and set the hearing as long as the hearing is out beyond the twenty days but if you don't talk to her about that then she is going to wait until the twenty days run and then you're going to lose more time. The best thing is to talk to her and let her get you set up for a date on the conditional use permit. As long as it's beyond the twenty days, you're okay.

Dr. Goist – If there is no other business to come before this meeting, meeting adjourned.

Meeting adjourned at 8:13 p.m.

Signature on file
Dr. Glenn Goist, Vice Chairman

Signature on File
Kathryn A. Zamrzla, Secretary

July 12, 2006
Approval date